10 women are arrested for going topless

It was repeat charge for three who shed shirts in the park

By Grant Gross
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Rochester again has been exposed to the Coalition for Topfree Equality's battle for equal rights for women to wear as little as men.

Ten women, protesting a law that prohibits women from going topless in most circumstances, were arrested yesterday for taking their shirts off at Durand Eastman Park.

They were charged with exposing of a person, a violation that carries a maximum penalty of 30 days in jail and a $500 fine, and released.

They are to appear Tuesday in City Court, scene of the coalition's first legal battle in 1986. Three of the seven women involved in that Topfree Seven case were arrested again yesterday.

"Men can go topless, and women can't, and it's out of date," said Sarah Wells, of Rochester, one of the women arrested yesterday. "When I'm enjoying the sun, I like to take my clothes off."

The women were arrested by five Monroe County sheriff's deputies and three city police officers about 1 p.m., amid catcalls from spectators and cheers from group members. About 75 members of the group had gathered at the beach at about 11 a.m. for their annual picnic, and about 30 women chose to remove the clothing on the upper halves of their bodies.

Group spokesperson Mary Lou Schloss, who was arrested yesterday and in 1986, said members were not expecting to get arrested this year, because police have not bothered them during annual get-togethers during the past two years.

"We all realize there's a potential for arrest when we go out every year," Schloss said. "I would have preferred not to deal with arrest."

The arrests parallel the 1986 incident, in which the coalition made national headlines when seven of its members, known as the "Topfree Seven," were charged with indecent exposure when they took their shirts off in front of a jeering crowd at Cobbs Hill Park.

After a weeklong trial, City Court Judge Herman J. Walz dismissed the 1986 charges, ruling the arrests violated the women's rights to free speech, but he did not overturn the law.

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The following two years, the group met annually in Genesee Valley Park but were not arrested for taking their shirts off.

Deputy Richard Cox with the Monroe County Sheriff's Department, said his department responded to a complaint this year, while the city police handled any complaints the last two years.

When officers first arrived on the scene, they told the topless females to put their shirts back on. Those who complied were not arrested.

"Many of us just find it offensive to comply with a sexist request like that," Schloss said.

"We were just on the beach having a good time," she added, "and there are certainly far more serious problems that the sheriff's department and police who responded could deal with."

Wells said the group will continue its annual protests until the law is changed. She and other group members say the law eventually will be overturned.

"I think any time we discriminate on the basis of race and gender, our legal system and culture is in great jeopardy," said Kathie Reilly of Rochester, another group member who was arrested yesterday and in 1986.

Tierney O'Brien-Dovan, of Pittford, took her almost 2-year-old daughter, Grace, with her to jail, after police arrested her. O'Brien-Dovan said she was breastfeeding her child.

"We go together, we're a team," she said. "It's not against the law to nurse in public. They told me I had to put my top on and be more discreet. I guess I got arrested because the cop was being so unloving."

The protesters came from as far away as North Carolina and Florida to join the group's picnic.

The other women arrested were Lyn Gallo, of Ithaca; Susan David, of Rochester; Nina Leibowitz, of Brighton; Marilyn Hillen, of Brevard, N.C., and Ramona Santorelli and Gail Niesner, both of Rochester. Santorelli also was arrested in 1986.